

Appl. No. 10/767,034  
Amdt. Dated November 26, 2007  
Reply to Office Action of August 24, 2007

REMARKS

This is a full and timely response to the non-final Office action mailed August 24, 2007. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1, 3-11, 12-14, 16,-23, 25-26, 30-38 and 40 are now pending in this application, with claims 1, 14 and 26 being the independent claims. Claims 1, 14, 26 and 32 have been amended and claims 12, 24 and 39 have been canceled. No new matter is believed to have been added.

Claim Objections

Claims 26 and 32 were objected to for informalities. Specifically, claim 26 was objected to for an alleged lack of antecedent basis for the term "the physical system" in line 4. Applicants respectfully disagree, and submit that claim 14, from which claim 26 depends, includes the proper antecedent basis for the limitation of "the physical system". See line 1 of claim 14.

With regard to claim 32, claim 32 was rejected for an alleged lack of antecedent basis for the term "the extrapolation mechanism" in line 7. In response, applicants have amended claim 32 to recite "the trend change detection mechanism" instead of the extrapolation mechanism, and submit that the amended term has the proper antecedent basis.

Applicants thus respectfully submit that the objections to the claims have been overcome, and thus should be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-4, 12-14, 16-17, 24-26, 30-31 and 39-40 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Liu (U.S. Patent Publication 2002/0120416A1) in view of Boa et al (U.S. Patent No. 6,6996,374). In making this

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rejection, it was alleged that Liu teaches a trending system that comprises a sliding window filter as claimed, citing paragraphs [0033] –[0034] and [0037]-[0039]. However, the Examiner then admitted that Liu fails to teach that the sliding window filter generates upper confidence bounds. The Examiner then stated that Bao teaches a window filter that generates upper confidence bounds. The Examiner then concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liu with the teachings of Bao. Applicants respectfully disagree, and submit that the amended claims are patentably distinct over the cited references.

First, applicants submit that the Examiner has failed to give full weight to the claimed invention. Specifically, using the language of amended claim 1, the claimed invention is one where a “sliding window filter” is adapted to receive data and filter the data using “multiple data windows” where “adjacent windows” overlap in the data set. The multiple data windows are used to generate both “generate upper confidence bounds and lower confidence bounds for each data point using each of the multiple data windows that includes the data point”. Thus, multiple data windows are used to generate multiple upper and multiple lower confidence bounds for the data points. The sliding window filter is further adapted to “select an upper confidence bounds and a lower confidence bounds for each data point that results in the smallest confidence interval between the upper confidence bounds and lower confidence bounds for that data point” and generate the a filtered estimate of the data set “from the selected upper confidence bounds and lower confidence bounds for each data point” (emphasis added).

Thus, the claimed invention uses **both** upper and lower confidence bounds, and selects those that result in the smallest confidence interval **between the upper confidence bounds and lower confidence bounds** for that data point. In contrast, the Examiner has alleged that Liu teaches the lower confidence bounds, and has admitted that Liu fails to teach an upper confidence bounds, but then inexplicably alleged that Liu teaches selecting confidence bounds that result in the smallest confidence interval. As the amendment to the independent claims makes clear, the confidence interval is “between

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the upper confidence bounds and the lower confidence". As the Examiner has admitted that Liu fails to teach the generation of a upper confidence bounds it cannot have selected confidence bounds that results in the confidence interval, as determining the smallest interval requires both the upper and lower confidence bounds by definition.

Furthermore, applicants can find no specific teaching in the cited references for determining multiple data windows, where adjacent data windows overlap, and using the multiple data windows to determine multiple upper and lower confidence bounds for each data point. The cited portions of the references discuss the determination of confidence bounds, but applicants can find nothing of specific relevance to these limitations in either of the cited references.

As the cited references fail to teach the generation of multiple upper and lower confidence bounds using multiple overlapping data windows, and the selection of confidence bounds that result in the smallest confidence interval, the cited references fail to teach the claimed invention. Thus, applicants submit that amended claim 1 is patentably distinct over the cited references. Furthermore, as independent claims 14 and 26 include similar limitations, they are submitted to patentably distinct for the same reasons. Furthermore, each of the dependent claims depends from, and includes all the limitations of their respective independent claims, and are thus patentably distinct for the same reasons.

#### Allowable Subject Matter

In the office action, claims 5-11, 18-23 and 32-38 were objected to as being dependent upon a rejected base claim, but the Examiner stated they would be allowable if rewritten in independent form. Applicants note the indication of allowable subject matter, but decline to amend the claims as suggested in favor of the amendments are arguments described above.

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Conclusion

Based on the above, claims are allowable over the citations of record. The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

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